COUNCIL AGENDA ITEM # FOR TUESDAY, JANUARY 25TH, 2005

BUILDING PERMITS AND INSPECTIONS

MEMORANDUM

January 5, 2005

TO:

The Honorable Mayor and City Council

THROUGH: R. Alan Shubert, P. E. - Building Permits and Inspections Director

FROM:

Tom Maguire, Housing Compliance Supervisor

SUBJECT:

10121 Dyer Street Space 32

(Rep. District #4)

Scheduling a public hearing to be held on February 22nd, 2004 to determine if the property located at 10121 Dyer Street Space 32 in the City of El Paso (Legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. The owners of record as of December 27th, 2004, Lilian Heller, trustee for the Heller Family Trust, 7909 Big Bend, El Paso, Texas 79904 is listed as the owner of the real property described herein and Guadalupe Villa, 5616 Tropicana Avenue, El Paso, Texas 79924 is listed as the owner of the mobile home according to the records of El Paso Central Appraisal District, have been notified of the violations at this property. District #4

CITY OF EL PASO, TEXAS AGENDA ITEM DEPARTMENT HEAD'S SUMMARY FORM

THE POST OF THE PROPERTY OF TH		
DEPARTMENT: BUILDING PERMITS AND INSPECTIONS		
AGENDA DATE: JANUARY 25, 2005		
CONTACT PERSON/PHONE: <u>TOM MAGUIRE 541-4588</u>		
DISTRICT(S) AFFECTED: 4		
SUBJECT: APPROVE a resolution / ordinance / lease to do what? OR AUTHORIZE the City Manager to do what? Be descriptive of what we want Council to approve. Include \$ amount if applicable.		
AUTHORIZE CITY MANAGER TO PLACE AN ITEM ON THE AGENDA REGARDING		
THE PROPERTY AT 10121 DYER STREET SPACE 32.		
BACKGROUND / DISCUSSION: Discussion of the what, why, where, when, and how to enable Council to have reasonably complete description of the contemplated action. This should include attachment of bid tabulation, or ordinance or resolution if appropriate. What are the benefits to the City of this action? What are the citizen concerns?		
ITEM TO BE PLACED FOR CONSIDERATION BY COUNCIL TO DETERMINE IF		
REFERENCED PROPERTY IS A HAZARD TO THE PUBLIC HEALTH, SAFETY AND		
WELFARE.		
PRIOR COUNCIL ACTION: Has the Council previously considered this item or a closely related one? N/A		
AMOUNT AND SOURCE OF FUNDING: How will this item be funded? Has the item been budgeted? If so, identify funding source by account numbers and description of account. Does it require a budget transfer? N/A BOARD / COMMISSION ACTION: Enter appropriate comments or N/A		
N/A		

<u>LEGAL:</u> (if required)		
DEPARTMENT HEAD: For R Director		
(Example: if RCA is initiated by Purchasing, client department should sign also) Information copy to appropriate Deputy City Manager		
APPROVED FOR AGENDA:		
CITY MANAGER: DATE:		

JOE WARDY MAYOR



BUILDING PERMITS AND INSPECTIONS CODE COMPLIANCE June 17, 2004

Guadalupe Villa C/O Luis M. Caldillo 5616 Tropicana Ave. El Paso, Texas 79924-3432

CITY COUNCIL

SUSAN AUSTIN DISTRICT NO. 1

ROBERT A. CUSHING Jr. DISTRICT NO. 2

JOSE ALEXANDRO LOZANO
DISTRICT NO. 3

JOHN COOK DISTRICT NO. 4

DANIEL S. POWER DISTRICT NO. 5

PAUL J. ESCOBAR DISTRICT NO. 6

VIVIAN ROJAS DISTRICTNO.7 ANTHONY COBOS DISTRICTNO.8

Re: 10121 Dyer St., #32
Blk: 1983 Peachtrees Home
14 x 56 Mobile Home Only on
Personal Property Serial
#TX233155
Zoned: C-3
COD04-08296
Certified Mail Receipt #
7003 2260 0002 9957 2332

To All Owners, Lienholders, and Mortgagees:

An inspection at the above referenced address has revealed that the structure is in violation of the El Paso Municipal Code, Chapter 18.52.030 - Unsafe Structures - Owner Not To Allow Condition To Continue, which states:

It is unlawful for the owner of any building or structure, or part thereof, which has become unsafe and dangerous so as to endanger persons or property, or so as to be a fire hazard by reason of defective construction, overloaded floors, lack of guards against fire, defective condition of the foundations, walls, or parts thereof, or deterioration caused by fire or otherwise, or for any reason, to allow or permit same to remain upon any real estate within the City.

The El Paso Municipal Code Chapter 18.52.040 - unsafe structures - Remedial action by owner or City defines unsafe structure as a structure or part thereof that is:

- a. Dilapidated, substandard, or unfit for human habitation and a hazard to the public health, safety, and welfare; or
- b. Regardless of its structural condition, unoccupied by its owners, lessees or other invitees and is unsecured from unauthorized entry to the extent that it could be entered or used by vagrants or other uninvited persons as a place of harborage or could be entered or used by children; or

10121 Dyer Street #32

- c. Boarded up, fenced, or otherwise secured in any manner in if:
- i. The building constitutes a danger to the public even though secured entry, or
- ii. The means used to secure the building are inadequate to prevent unauthorized entry or use of the building in the manner described by subsection.

The structure located at 10121 Dyer Street #32 has the following violations:

- a. The foundation has not been maintained in a safe manner.
- b. The floors have not been maintained in a safe manner.
- c. The walls have not been maintained in a safe manner free of holes and cracks.
- d. The roof structure has not been maintained free of defects that may cause leaks.
- e. The plumbing system is inadequate and does not meet minimum code requirements.
- f. The electrical system is inadequate and does not meet minimum code requirements.
- g. The HVAC system is inadequate and does not meet minimum code requirements.
- h. The structure is open and accessible to unauthorized entry.
- i. The premises are full of weeds, trash, and debris.
- j. This case is being submitted to the City Attorney's office for unsafe structures proceedings. The City Council will decide if the structure is unsafe and if it should be vacated and secured, or demolished as per Sec. 18.52.040 of the El Paso Municipal Code.

This fire damaged open and abandoned mobile home must be demolished and removed and the property must be cleaned of all weeds, trash and debris within 30 days.

10121 Dyer Street #32

Many of these corrections will require a permit. Permits for commercial or rental property must be taken out by a bonded and insured contractor who is registered with the City of El Paso.

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Housing Compliance Office of the Building Permits and Inspections, 5th floor, City Hall, no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

Should you have any questions regarding this matter, please contact me at 54l-4800.

FOR THE DIRECTOR FOR BUILDING PERMITS AND INSPECTIONS:

Bill Stern

Building Inspector

BS/rl

JOE WARDY MAYOR



BUILDING PERMITS AND INSPECTIONS CODE COMPLIANCE June 17, 2004

Emil E. Heller 9515 Dyer St. El Paso, Texas 79924-4701 ine 17, 2004

Re: 10121 Dyer Street Lots: 9 & 10 Blk: Parkland Zoned: C-3 COD04-08296 Certified Mail Receipt # 7003 2260 0002 9957 2325

CITY COUNCIL

SUSAN AUSTIN DISTRICT NO. 1

ROBERT A. CUSHING Jr. DISTRICT NO.2

JOSE ALEXANDRO LOZANO DISTRICTNO. 3

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DANIEL S. POWER DISTRICT NO.5

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- Dilapidated, substandard, or unfit for human habitation and a hazard to the public health, safety, and welfare; or
- b. Regardless of its structural condition, unoccupied by its owners, lessees or other invitees and is unsecured from unauthorized entry to the extent that it could be entered or used by vagrants or other uninvited persons as a place of harborage or could be entered or used by children; or

10121 Dyer Street

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10121 Dyer Street

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Should you have any questions regarding this matter, please contact me at 54I-4800.

FOR THE DIRECTOR FOR BUILDING PERMITS AND INSPECTIONS:

Building Inspector

BS/rl

NOTICE OF PUBLIC HEARING

To All Interested Parties:

You are hereby notified that at 9:00 a.m. on the 22^{ND} day of February, 2005 in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the City Council of El Paso will hold a public hearing on the question of whether the mobile home located on the property at 10121 Dyer St., Space 32, in El Paso, Texas, which property is more particularly

Lots: 7, 8, 9, and 10, FIRST SUPPLEMENTAL MAP OF PARKLAND ADDITION, an Addition to the City of El Paso, El Paso County, Texas, according to the map thereof on File in Book 16, Page 62, Plat Records of El Paso County, Texas.

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Lilian Heller, trustee for the Heller Family Trust, 7909 Big Bend, El Paso, TX, 79904 is listed as the owner of the real property described herein and Guadalupe Villa, 5616 Tropicana Avenue, El Paso, Texas 79924 is listed as the owner of the mobile home according to the records of El Paso

The Owners of said property are hereby ordered to appear before City Council and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before City Council at said date, hour, and place to show cause why said Building should not be declared a nuisance and ordered to be abated; and

The Owners lien holders, mortgagees, or any other person having an interest in the property are hereby required to submit at the hearing proof of the scope of any work that may be required to bring the building into compliance with Titles 17 and 18 of the code as mandated by Section 18.52.040 of the Municipal Code, and to specify the time it will take to reasonably

At the hearing, the owners, lien holders, mortgagees, or any other person having an interest in the property must present to City Council any evidence showing that the structure or

All documents such as building plans, specifications, drawings, reports from design professionals and any other required documents must be presented to City Council at this

The time periods, which govern the completion of work ordered by Council, are outlined in Subsection 18.52.040 (3) pursuant to State law.

If the Owners fail, neglect or refuse to comply with the order of City Council the City may pursue one, or more of the following actions:

- the city will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owners, of said property, the cost of which shall be assessed as a lien against the property and;
- II) assess a civil penalty against the property Owners for failure to repair, remove or demolish said Building in an amount not to exceed \$1000.00 a day for each violation, or \$10 a day if the Owners show that the property is the Owner's lawful homestead and;
- III) the Owners may be confined in jail as permitted by state law and;
- IV) appoint a receiver as permitted by state law.

Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full; and

That the City Clerk is ordered to provide notice of this hearing to the record Owners and all other persons having an interest in the property as provided by law.

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Housing Compliance Office of the Building Permits and Inspections, 5th floor, City Hall, no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

Adopted this 25th day of January, 2005.

APPROVED AS TO FORM:	APPROVED AS TO CONTENT:

Lisa A. Hayes
Assistant City Attorney
Tom Maguire
Housing Compliance Supervisor

I certify that a true and correct copy of the forego the property at 10121 Dyer St., Space 32, was (N REQUESTED) to:	ing Notice dated January 25, 2005 regarding IAILED CERTIFIED-RETURN RECEIPT
MARIA SARMIENTO 5616 TROPICANA EL PASO, TX 79924	
	Date:
	Time:
	1 IIII G
	Inspector
I certify that a true and correct copy of the foregoing the property at 10121 Dyer St., Space 32, was (MREQUESTED) to:	ng Notice dated January 25, 2005 regarding AILED CERTIFIED-RETURN RECEIPT
LILIAN HELLER 7909 BIG BEND EL PASO, TX 79904	
	Detail
	Date:
	Time:
	Inspector
I certify that a true and correct copy of the foregoing the property at 10121 Dyer St., Space 32, was (MAREQUESTED) to:	g Notice dated January 25, 2005 regarding ILED CERTIFIED-RETURN RECEIPT
VALERIE ALICIA HELLER BURNETT 7909 BIG BEND EL PASO, TX 79904	
LL FA30, 1X 79904	
	Date:
	Time:
	Inspector
I certify that a true and correct copy of the foregoing the property at 10121 Dyer St., Space 32, was (MAI REQUESTED) to:	Notice dated January 25, 2005 regarding LED CERTIFIED-RETURN RECEIPT
EMIL ERIC HELLER, IV 7909 BIG BEND EL PASO, TX 79904	
	Detail
	Date:
	Time:

I certify that a true and correct copy of the foregoing Notice dated January 25, 2005 regarding the property at 10121 Dyer St., Space 32 was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to: MARCIA LYNN HELLER 7909 BIG BEND EL PASO, TX 79904 Date:_____ Time: Inspector I certify that a true and correct copy of the foregoing Notice dated January 25, 2005 regarding the property at 10121 Dyer St., Space 32, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to: JANET HELLER REYNOLDS 7909 BIG BEND EL PASO, TX 79904 Date: Time:____ Inspector I certify that a true and correct copy of the foregoing Notice dated January 25, 2005 regarding the property at 10121 Dyer St., Space 32, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to: PAMELA HELLER MATHEWS 7909 BIG BEND EL PASO, TX 79904 Date:_____ Time:_____ Inspector I certify that a true and correct copy of the foregoing Notice dated January 25, 2005 regarding the property at 10121 Dyer St., Space 32, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to: PAUL DAVID HELLER 7909 BIG BEND EL PASO, TX 79904 Date:_____ Time:____

I certify that a true and correct copy of the foregoing Notice dated January 25, 2005 regarding the property at 10121 Dyer St., Space 32, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

JANET VALERIA GEMBALSKI 7909 BIG BEND	
EL PASO, TX 79904	
	Date:
	Time:
	111101
	Inspector
I certify that a true and correct copy of the foregoing the property at 10121 Dyer St., Space 32, was (MAREQUESTED) to:	
EMIL ERIC HELLER, III ("RICK")	•
7909 BIG BEND	
7909 BIG BEND EL PASO, TX 79904	
ELI A00, IX 10004	Date:
orang.	Time:
	Inspector
certify that a true and correct copy of the foregoing the property at 10121 Dyer St., Space 32, was (MAREQUESTED) to:	
BRIAN ALAN HELLER 7909 BIG BEND	
BRIAN ALAN HELLER	Datas
BRIAN ALAN HELLER 7909 BIG BEND	Date:
BRIAN ALAN HELLER 7909 BIG BEND	Date: Time:
BRIAN ALAN HELLER 7909 BIG BEND	Time:
BRIAN ALAN HELLER 7909 BIG BEND	
BRIAN ALAN HELLER 7909 BIG BEND	Inspector Notice dated January 25, 2005 regarding
BRIAN ALAN HELLER 7909 BIG BEND EL PASO, TX 79904 certify that a true and correct copy of the foregoing he property at 10121 Dyer St., Space 32, was (MAI	Inspector Notice dated January 25, 2005 regarding
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I certify that a true and correct copy of the foregoing Notice dated January 25, 2005 regarding the property at 10121 Dyer St., Space 32, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to: VALERIE ALICIA HELLER BURNETT 9515 DYER ST EL PASO, TX 79924 Date:_____ Time:____ Inspector I certify that a true and correct copy of the foregoing Notice dated January 25, 2005 regarding the property at 10121 Dyer St., Space 32, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to: EMIL ERIC HELLER, IV 9515 DYER ST EL PASO, TX 79924

Date: Time:____ Inspector I certify that a true and correct copy of the foregoing Notice dated January 25, 2005 regarding the property at 10121 Dyer St., Space 32, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to: MARCIA LYNN HELLER 9515 DYER ST EL PASO, TX 79924 Date:____ Time:_____ Inspector I certify that a true and correct copy of the foregoing Notice dated January 25, 2005 regarding the property at 10121 Dyer St., Space 32, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to: JANET HELLER REYNOLDS 9515 DYER ST EL PASO, TX 79924 Date:____ Time:_____

I certify that a true and correct copy of the foregoing Notice dated January 25, 2005 regarding the property at 10121 Dyer St., Space 32, was (MAILED CERTIFIED-RETURN RECEIPT

PAMELA HELLER MATHEWS

	9515 DYER ST			
	EL PASO, TX 79924			
			Date:	
			Time:	
			Inspector	
	I certify that a true and correct co the property at 10121 Dyer St., S REQUESTED) to: PAUL DAVID HELLER	py of the foregoir pace 32, was (MA	ng Notice dated January 25, 2005 rega AILED CERTIFIED-RETURN RECEIP	arding T
	9515 DYER ST	,		
·	EL PASO, TX 79924			
			Date:	
			Time:	
			Inspector	
	I certify that a true and correct copy the property at 10121 Dyer St., SpaREQUESTED) to:	of the foregoing	Notice dated January 25, 2005 regard LED CERTIFIED-RETURN RECEIPT	ding
	JANET VALERIA GEMBALSKI 9515 DYER ST EL PASO, TX 79924			
		l	Date:	
		•	Time:	
		Ī	nspector	
	I certify that a true and correct copy of the property at 10121 Dyer St., Space REQUESTED) to:	of the foregoing N e 32, was (MAILI	lotice dated January 25, 2005 regardi ED CERTIFIED-RETURN RECEIPT	ng
	EMIL ERIC HELLER, III ("RICK") 9515 DYER ST EL PASO, TX 79924			
		D	ate:	
		Ti	me:	
		Ins	spector	

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I certify that a true and correct copy of the forther the property at 10121 Dyer St., Space 32, we REQUESTED) to:	pregoing Notice dated January 25, 2005 regarding as (MAILED CERTIFIED-RETURN RECEIPT
El Paso Central Appraisal District 5801 Trowbridge Ave. El Paso, Texas 79925	
	Date:
	Time:
	· .
	Inspector
I certify that a true and correct copy of the for 10121 Dyer Street Space 32, El Paso, Texas	egoing Notice was POSTED at
	Date:
	Time:
and the second s	Inspector

and die confect copy of the lotedolly Mutice of	lerk of the City of El Paso, hereby certify that a dated January 25, 2005 regarding the property with the County Clerk's Office, the official public
	Richarda Duffy Momsen
Executed this day of the City of El Paso, Texas, by Richarda Duffy Mo	, 2005 on behalf of msen in her capacity as City Clerk.
STATE OF TEXAS COUNTY OF EL PASO	
Subscribed and sworn to before me, this day	
	Notary Public







Building Permits and inspections Code Enforcement

JUN 28 2004 UNY OF ELPASO RETURN RECEIPT RECUESTED

Guadalupe Villa C/O Luis M. Caldillo 5616 Tropicana Ave. F1 Base Tavas 79924-3432

VILL616 RETURN TO SENDER ORWARD ORDER ON FILE UNABLE 10 FORWARD RETURN TO SENDER

3324134**3**\$CA\$1196 SENDER: COMPLETE THIS SECTION COMPLETE THIS SECTION ON DELIVERY Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse □ Agent so that we can return the card to you. ☐ Addressee Attach this card to the back of the mailpiece, or on the front if space permits. D. Is delivery address different from item 1? Article Addressed to: If YES, enter delivery address below: Emil E. Heller 9515 Dyer St. El Paso, Texas 79924-4701 Service Type Certified Mail Re: 10121 Dyer St. ☐ Express Mail Registered ☐ Return Receipt for Merchandise ☐ Insured Mail ☐ C.O.D. 4. Restricted Delivery? (Extra Fee) 2. Article Number 7003 2260 0002 (Transfer from service label) 9957 PS Form 3811, February 2004 2325

SENDER: COMPLETE THIS SECTION COMPLETE THIS SECTION ON DELIVERY Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. A. Signature Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. ☐ Addressee B. Received by (Printed Name) C. Date of Delivery 1. Article Addressed to: If YES, enter delivery address below: Guadalupe Villa C/O Luis M. Caldillo 5616 Tropicana Ave. Service Type El Paso, Texas 79924-3432 Exertified Mail ☐ Express Mail Re: 10121 Dyer Street #32 ☐ Registered ☐ Return Receipt for Merchandise ☐ Insured Mail □ c.o.d. 4. Restricted Delivery? (Extra Fee) 7003 2260 0002 9957 2332 mestic Return Receipt



UNSAFE STRUCTURES REPORT

BUILDING PERMITS AND INSPECTIONS

DATE OF EXAMINATION: June 17, 2004

REP. DISTRICT: 4

ADDRESS: 10121 Dyer Street Space 32

ZONED: C-3

LEGAL DESCRIPTION: Lots 7, 8, 9 & 10, First Supplemental Map of Parkland Addition

OWNER: Lilian Heller, individual and trustee for Heller Family Trust

ADDRESS: 7909 Big Bend, El Paso, Texas 79904

BUILDING USE: Fire destroyed mobile home

TYPE OF CONSTRUCTION: V Wood Frame with metal siding

FOOTINGS:

CONDITION: Fair. Metal trailer tie downs

FOUNDATION WALL: N/A

CONDITION:

FLOOR STRUCTURE: 2 x 6 Wood on metal I beams destroyed by fire.

CONDITION: Poor

EXTERIOR WALLS: 2 x 2 Wood with wood panel inside and metal siding outside

HEIGHT: 8'

THICKNESS: 4"

CONDITION: Poor

INTERIOR WALLS & CEILINGS: 2 x 4 Wood with wood panels

CONDITION: Poor

ROOF STRUCTURE: 2 x 4 Wood with metal roofing

CONDITION: Poor

DOORS, WINDOWS, ETC.: Aluminum frames with glass

CONDITION: Poor

MEANS OF EGRESS: N/A

CONDITION:

PLUMBING: Destroyed by fire.

ELECTRICAL: Destroyed by fire.

MECHANICAL: Destroyed by fire.

IF CONDEMNED, HOW MANY PERSONS WILL BE AFFECTED: $\,0\,$

WARNING POSTED: Yes

BARRICADED: No

POLICE AID REQD.: No

REMARKS: This mobile home has been destroyed by fire and must be demolished and removed and the lot cleaned of all weeds, trash and debris.

Bill Stern

Building Inspector